IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

Crl.MC.No. 425 of 2004()

SC.9/2004 of ASSISTANT SESSIONS COURT, SULTHAN BATHERY

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PETITIONERS/ ACCUSED & DEFACTO COMPLAINANT:

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1. USMAN, S/O. MOIDU, AGED 27 YEARS,
   CHAKKINGAL HOUSE, RESIDING AT MARAYAMANGALAM,
   MARAYAMANGALAM P.O., OTTAPALAM TALUK,
   PALAKKAD DISTRICT.

2. HAJIRA, W/O. USMAN,
   RESIDING WITH HIM, D/O.MOHAMMEDALI,
   CHUNDANGAYIL HOUSE, VALAVUGAL P.O.,
   SULTHAN BATHERI TALUK, WAYANAD DISTRICT.

BY ADV. SRI.JIJO PAUL
SRI.BABU S. NAIR

RESPONDENTS: STATE:

THE STATE OF KERALA,
REPRESENTED BY THE S.I. OF POLICE,
KENICHIRA POLICE STATION THROUGH PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY G.P. SRI.SANTOSH KUMAR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 16/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P. Balachandran, J.

Crl.M.C.No. 425 of 2004

ORDER

The second petitioner as also her father along with her children (three in number) are present. She submits that the first petitioner/accused, charged for offences under Section 376 and 506(2) IPC, has married her and they are leading a happy married life. The correctness of the submission is also endorsed by her father. It is also submitted by the second petitioner that her husband Usman/the first petitioner is employed in Gulf and therefore, he is unable to appear before this Court.

2. I am satisfied, in the circumstances, that this is a fit case where Annexure-D charge, on the basis of which, S.C.No.9/04 on the file of the Assistant Sessions Court, Sulthan Bathery was registered, deserves to be quashed in the best interest of justice and for the well being of the victim/the second petitioner.

In the result, allowing this Crl.M.C. I quash Annexure-D charge as also the proceedings in S.C. No.9/04 pending on the file of the Assistant Sessions Court, Sulthan Bathery as against the first petitioner.

16th August, 2007 (K.P.Balachandran, Judge)

tkv